

PROB. 12B  
(7/93)

ORIGINAL

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

**United States District Court**

for the

**DISTRICT OF HAWAII**

JUL 14 2006

at 3 o'clock and 30 min. M  
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: GRANT MACK

Case Number: CR 02-00287SOM-03

Name of Sentencing Judicial Officer: The Honorable Susan Oki Mollway  
U.S. District Judge

Date of Original Sentence: 7/1/2003

Original Offense: Conspiracy to Possess With Intent to Distribute and Distribute in  
Excess of 50 Grams of Cocaine Base, in violation of 21 U.S.C.  
§§ 841(a)(1) and 846, a Class A felony

Original Sentence: Fifty-one (51) months imprisonment, to be followed by four (4)  
years of supervised release with the following special conditions:  
1) That the defendant participate in a substance abuse program,  
which may include drug testing at the discretion and direction of the  
Probation Office; 2) That the defendant is prohibited from  
possessing any illegal or dangerous weapons; 3) That the  
defendant participate in a mental health program at the discretion  
and direction of the Probation Office; and 4) That the defendant  
provide the Probation Office access to any requested financial  
information.

Modified

Sentence:

On 4/14/2006, the Court modified the conditions of supervision to  
include the following revised conditions: General Condition: That  
the defendant shall refrain from any unlawful use of a controlled  
substance. The defendant shall submit to one drug test within  
15 days of the commencement of supervision and at least two drug  
tests thereafter but no more than eight valid drug tests per month  
during the term of supervision, unless there is a positive drug test,  
in which event the maximum shall increase to up to one valid drug  
test per day; and Special Condition No. 1: That the defendant shall  
participate and comply with substance abuse treatment which  
includes drug and alcohol testing. The defendant is to refrain from  
the possession and/or use of alcohol while participating in  
substance abuse treatment.

The Court also modified the conditions of supervision to include the following new special condition: 5) That the defendant serve up to three (3) months community confinement in a community corrections center such as Mahoney Hale, following release from imprisonment as arranged by the Probation Office. While serving the term of community confinement, the defendant may obtain employment and/or enroll in an educational program as approved and directed by the Probation Office.

Type of Supervision: Supervised Release    Date Supervision Commenced: 4/24/2006

### PETITIONING THE COURT

[X] To modify Special Condition No. 5 as follows:

*Special Condition No. 5: That the defendant serve up to six (6) months community confinement in a residential reentry center such as Mahoney Hale, following release from imprisonment as arranged by the Probation Office. While serving the term of community confinement, the defendant may obtain employment and/or enroll in an educational program as approved and directed by the Probation Office.*

### CAUSE

On 4/14/2006, Your Honor was informed that the subject had not secured a residence plan prior to his release from federal custody. To ensure that the subject would not become homeless, our office recommended that the Court modify the conditions of supervision to require him to serve up to three (3) months community confinement at Mahoney Hale. In light of U.S. vs. Stephens, our office also recommended that the Court modify the mandatory drug testing condition. We also requested that Special Condition No. 1 be modified to include updated language. Your Honor concurred with these recommendations.

Since the subject's release, the subject has had difficulty securing gainful employment. To his credit, he completed a two (2) week employment preparedness program through Goodwill Industries. Even so, the subject has not yet secured employment and will not have the financial means to secure his own residence by the time he is scheduled to leave Mahoney Hale on 7/24/2006. As a result, we respectfully recommend that Special Condition No. 5 be modified to allow for up to six (6) months community confinement. The addition of three (3) months at Mahoney Hale should allow the subject to secure employment and save up money to secure his own residence. The subject has been counseled about securing employment as soon as possible.

To his credit, the subject has been compliant with the conditions of supervision and abided by the rules at Mahoney Hale. He is attending weekly substance abuse counseling and drug testing at Freedom Recovery Services and weekly mental health counseling with Dr. Kevin Connors.

As noted by his signature on the attached Waiver of Hearing form (Probation Form 49), the subject maintains no objection to this modification. The subject's attorney and the U.S. Attorney's Office have been notified of the proposed change to Special Condition No. 5 and have no objections.

Respectfully submitted by,



FRANK M. CONDELLO, II  
U.S. Probation Officer

Approved by:



TIMOTHY M. JENKINS  
Supervising U.S. Probation Officer

Date: 7/11/2006

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THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above  
☐ Other



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SUSAN OKI MOLLWAY  
U.S. District Judge

7/14/06

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Date

# United States District Court

District of Hawaii

## Waiver of Hearing to Modify Conditions of Probation/Supervised Release and/or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

[ X ] To modify the conditions of supervision as follows:

*Special Condition No. 5: That the defendant serve up to six (6) months community confinement in a residential reentry center such as Mahoney Hale, following release from imprisonment as arranged by the Probation Office. While serving the term of community confinement, the defendant may obtain employment and/or enroll in an educational program as approved and directed by the Probation Office.*

Witness: Timothy M. J. for:  
FRANK M. CONDELLO, II  
U.S. Probation Officer

Signed: Grant Mack

GRANT MACK  
Supervised Releasee

7-10-06  
Date